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Court : Rajasthan Jodhpur

Decided On : Mar-28-2014

Appellant : Mohammed Rafique

Respondent : State and ors

Judgement :

1 D.B.Civil Special Appeal No.482/2014 Mohammed Rafique V/s State of Rajasthan & ORS.28.3.2014 Hon'ble the Chief Justice Mr.Amitava Roy Hon'ble Mr.Justice Vijay Bishnoi Mr.Arjun Purohit for the appellant.

Being aggrieved by the judgment and order dated 13.3.2014 passed in S.B.Civil Writ Petition No.1808/2014 rejecting his challenge to the orders dated 4.3.2014 whereby he had been made to await posting order by making his headquarters in the establishment of the Assistant Registrar, Cooperative Societies, Jaisalmer and also assigning Shri Arun Bareth, Inspector (Executive) of the office of the Assistant Registrar, Cooperative Societies, Jaisalmer the additional charge of the General Manager, Sahakari Upbhokta Wholesale Bhandar, Jaisalmer (for short, hereinafter referred to as Wholesale Bhandar.).the appellant-writ-petitioner is in appeal.

We have heard learned counsel for the appellant-writ- petitioner.

The facts in bare essential are that the appellant-writ- petitioner while working on the post of Inspector (Executive) in the office of the Assistant Registrar, Cooperative Societies, Jaisalmer, was by order dated 17.7.2013 issued by the

Sub-Registrar (Administration).Cooperative Societies, Jaipur transferred to the office of the General Manager, Wholesale Bhandar, Jaisalmer 2 whereupon he joined new place of posting and he was rendering his service to the satisfaction of all concerned.

While the matter rested at that, the respondent no.3 i.e.Sub-Registrar (Administration).Cooperative Societies, Jaipur by the order impugned placed him under arrangement Awaiting Posting Order.

and made his headquarters in the office of the Assistant Registrar, Cooperative Societies, Jaisalmer.

Being aggrieved he unsuccessfully represented on 5.3.2014 with the Assistant Registrar, Cooperative Societies, Jaisalmer and eventually sought to invoke the writ jurisdiction of this Court.

By the impugned judgment and order as referred to hereinabove, the impugnement of above orders has been rejected.

Mr.Purohit has urged that not only the order keeping the appellant-writ-petitioner under the arrangement Awaiting Posting Order.

is illegal and not in administrative exigency, the one dated 4.3.2014 issued thereafter assigning Shri Arun Bareth, Inspector (Executive) of the office of the Assistant Registrar, Cooperative Societies, Jaisalmer the additional charge of the General Manager, Wholesale Bhandar, Jaisalmer is patently illegal unduly favouring him on extraneous considerations.

As these orders are lacking in bonafide, the learned Single Judge erred in law and on fact in not interfering therewith, he argued.

Upon hearing the learned counsel for the appellant-writ- petitioner and on a consideration of the materials on record, we are not inclined to sustain the pleas raised.

It would be apparent 3 from the order dated 17.7.2013 (Annex.1 to the writ petition) that the appellant-writ-petitioner, who was then working as Inspector

(Executive) in the office of the Assistant Registrar, Cooperative Societies, Jaisalmer was transferred/posted in the same capacity in the office of the General Manager, Wholesale Bhandar, Jaisalmer.

Similarly, thereby, Shri Arun Bareth, Inspector (Executive) had been transferred from the office of the General Manager, Wholesale Bhandar, Jaisalmer to the office of the Assistant Registrar, Cooperative Societies, Jaisalmer.

By the orders dated 4.3.2014, the appellant-writ-petitioner has been made to await posting order with his headquarters in the office of the Assistant Registrar, Cooperative Societies, Jaisalmer and Shri Arun Bareth has been given the additional charge of General Manager, Wholesale Bhandar, Jaisalmer.

As the appellant-writ-petitioner has been by the order dated 17.7.2013 posted as Inspector (Executive) in the office of the General Manager, Wholesale Bhandar, Jaisalmer, assigning of additional charge of this office to Shri Arun Bareth per se cannot be held to be illegal, arbitrary or unwarranted.

Not only by the order dated 4.3.2014 so far as it pertains to the appellant-writ-petitioner, he has only been made to stand by for his order of posting and his place of posting i.e. Jaisalmer has not been altered.

The arrangements made by these two orders dated 4.3.2014, having regard to the materials on record cannot be said to be not in administrative exigencies.

No violation of statutory norm or vitiation by malafide is discernible.

4 On a perusal of the impugned judgment and order, we see no reason to take a different view.

The appeal thus fails and is dismissed.

(Vijay Bishnoi)J.

(Amitava Roy)CJ Parmar